

Assembly Bill No. 2752

CHAPTER 899

An act to amend Section 42001 of, to add Sections 42001.25 and 42002.1 to, and to repeal Section 13390 of, the Vehicle Code, relating to vehicles.

[Approved by Governor September 30, 2006. Filed with
Secretary of State September 30, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2752, Spitzer. Driving under the influence.

(1) Existing law makes it unlawful for a person under the age of 21 years to have a blood-alcohol concentration of 0.01% or greater, as measured by a preliminary alcohol screening test or other chemical test, to drive a vehicle. Existing law makes a violation of this unlawful conduct subject to civil penalties.

This bill, instead, would make the above-described unlawful conduct an infraction subject to criminal fines.

Because this bill would create a new crime, this bill would impose a state-mandated local program.

(2) Under existing law, it is an infraction, for a person under the age of 21 years who has 0.05% or more, by weight, of alcohol in his or her blood to drive a vehicle. Existing law makes a violation of this offense punishable by a fine not exceeding \$100 for a 1st conviction, a fine not exceeding \$200 for a 2nd infraction occurring within one year of a prior infraction resulting in a conviction, and a fine not exceeding \$250 for a 3rd or subsequent infraction occurring with one year of 2 or more prior infractions that resulted in convictions.

This bill, instead of the above-described fines, would impose a fine of \$100 for a 1st violation of the above infraction resulting in a conviction, \$200 for a 2nd infraction occurring within one year of a prior infraction that resulted in a conviction, and \$300 for a 3rd or any subsequent infraction occurring within one year of 2 or more prior infractions that resulted in convictions.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 13390 of the Vehicle Code is repealed.

SEC. 2. Section 42001 of the Vehicle Code is amended to read:

42001. (a) Except as provided in this code, a person convicted of an infraction for a violation of this code or of a local ordinance adopted pursuant to this code shall be punished as follows:

(1) By a fine not exceeding one hundred dollars (\$100).

(2) For a second infraction occurring within one year of a prior infraction that resulted in a conviction, a fine not exceeding two hundred dollars (\$200).

(3) For a third or a subsequent infraction occurring within one year of two or more prior infractions that resulted in convictions, a fine not exceeding two hundred fifty dollars (\$250).

(b) A pedestrian convicted of an infraction for a violation of this code or a local ordinance adopted pursuant to this code shall be punished by a fine not exceeding fifty dollars (\$50).

(c) A person convicted of a violation of subdivision (a) or (b) of Section 27150.3 shall be punished by a fine of two hundred fifty dollars (\$250), and a person convicted of a violation of subdivision (c) of Section 27150.3 shall be punished by a fine of one thousand dollars (\$1,000).

(d) Notwithstanding any other provision of law, a local public entity that employs peace officers, as designated under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, the California State University, and the University of California may, by ordinance or resolution, establish a schedule of fines applicable to infractions committed by bicyclists within its jurisdiction. A fine, including all penalty assessments and court costs, established pursuant to this subdivision shall not exceed the maximum fine, including penalty assessment and court costs, otherwise authorized by this code for that violation. If a bicycle fine schedule is adopted, it shall be used by the courts having jurisdiction over the area within which the ordinance or resolution is applicable instead of the fines, including penalty assessments and court costs, otherwise applicable under this code.

SEC. 3. Section 42001.25 is added to the Vehicle Code, to read:

42001.25. Notwithstanding any other provision of law, a person who violates Section 23140 is punishable as follows:

(a) By a fine of one hundred dollars (\$100).

(b) For a second infraction occurring within one year of a prior infraction that resulted in a conviction, a fine of two hundred dollars (\$200).

(c) For a third or any subsequent infraction occurring within one year of two or more prior infractions that resulted in convictions, a fine of three hundred dollars (\$300).

SEC. 4. Section 42002.1 is added to the Vehicle Code, to read:

42002.1. A person convicted of a misdemeanor violation of Section 2800, 2801, or 2803, insofar as it affects a failure to stop and submit to

inspection of equipment or for an unsafe condition endangering a person, is punishable as follows:

(a) By a fine not exceeding fifty dollars (\$50) or imprisonment in the county jail not exceeding five days.

(b) For a second conviction within a period of one year, a fine not exceeding one hundred dollars (\$100) or imprisonment in the county jail not exceeding 10 days, or both that fine and imprisonment.

(c) For a third or a subsequent conviction within a period of one year, a fine not exceeding five hundred dollars (\$500) or imprisonment in the county jail not exceeding six months, or both that fine and imprisonment.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.